

Serial No. 09/832,214  
Rutan Docket No. 019502.0014US2

*hand-operable cover-release member is an outwardly biased arm structure disposed along the handle and the second engagement element is a distal end of the arm structure situated in the notch when the first and second engagement elements are engaged.*

8. *A utility knife as claimed in Claim 7 wherein the blade cover is generally arcuately movable and arcuately shaped and wherein the wall of the blade cover is an inside peripheral wall accessible by the arm structure through a rear opening into the blade cover*

#### REMARKS

#### CHANGE OF CORRESPONDENCE ADDRESS AND POWER OF ATTORNEY DOCUMENTS

A Revocation of Power of Attorney document was filed with the USPTO on November 12, 2002 and a courtesy copy is attached herein; however, according to MPEP §405 "Papers may be filed in patent applications by registered attorneys or agents not of record...Filing of such papers is considered to be a representation that the attorney or agent is authorized to act in a representative capacity on behalf of the applicant."

A Change of Correspondence Address form was also filed with the USPTO on November 5, 2002. Please contact us immediately if you need courtesy copies of these documents.

#### DRAWINGS

The drawings are objected to because they do not include the following reference signs: 34, a "distal end". Please note that this reference sign is shown in Figure 2.

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35 USC §112

Claim 6 is herein rejected under 35 USC §112 as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains. The Applicant respectfully disagrees, but nevertheless has amended claim 6 to remove reference to the term "tension" and to leave the term "spring".

35 USC §102

Claims 1-3, 4, 5, 7 and 8 are herein rejected under 35 USC §102(b) as being anticipated by Matin et al. (US 4,980,977). The Applicant respectfully disagrees.

Claim 1 recites in part "A utility knife tool comprising:...a handle with a handle distal portion, wherein the handle further comprises a hand operable arm structure that further comprises an arm distal portion having a second engagement element and wherein the arm structure and the handle are fabricated from the same piece of material;" (emphasis added).

Matin teaches a safety core cutting knife for cutting honeycomb core and other materials that comprises a "manually triggered self-locking release assembly" that is manually inserted into the handgrip portion of the knife. Therefore, the release assembly that releases the blade cover and the handle are not fabricated from the same piece of material. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundscriber Corp v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Ct. Cl.), adopted, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention "arranged as in the claim". *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Matin does not teach a utility knife tool wherein the blade cover release assembly and the handle are fabricated from the same piece of material. Claim 1 is therefore allowable as not being anticipated by Matin. Further, Matin does not anticipate claims 2-3, 5 and 7

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of the present application by virtue of their dependency on claim 1.

**35 USC §103**

Claims 4, 6 and 8 are herein rejected under 35 USC §103(a) as being unpatentable in view of Matin et al. (US 4,980,977). The Applicant respectfully disagrees.

Claim 1 recites in part "A utility knife tool comprising...a handle with a handle distal portion, wherein the handle further comprises a hand operable arm structure that further comprises an arm distal portion having a second engagement element and wherein the arm structure and the handle are fabricated from the same piece of material;" (emphasis added).

Matin teaches a safety core cutting knife for cutting honeycomb core and other materials that comprises a "manually triggered self-locking release assembly" that is manually inserted into the handgrip portion of the knife. Matin goes on to describe the self-locking release assembly as a locking pin 22 fastened to a coiled spring 20 that is inserted into the handgrip 2, whereby the manual trigger is then fastened to the pin with an attachment screw. Therefore, the release assembly that releases the blade cover and the handle are not fabricated from the same piece of material. Matin painstakingly outlines all of the embodiments of the safety core cutting knife, and does not disclose that the self-locking release assembly may be constructed out of the same piece of material as the handgrip. Therefore, it would not be obvious to one of ordinary skill in the art to deviate from Matin's detailed instructions and fabricate the release assembly and the handgrip from the same piece of material. Based on these arguments, claim 1 is allowable as patentable over Matin. Furthermore, claims 4, 6, and 8 are allowable as patentable over Matin by virtue of their dependence on independent and amended claim 1.

Feb-10-03 04:59pm From-RUTAN & TUCKER LLP,

714-546-9035

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**REQUEST FOR TELECONFERENCE**

The Applicant respectfully requests a teleconference with the Examiner if all of the issues are not resolved and the application not placed in condition for allowance upon review of this Response. The undersigned Attorney-of-Record can be reached on behalf of the Application at the direct line number shown below.

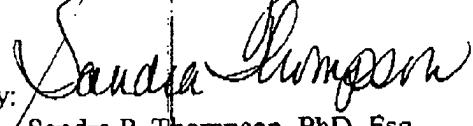
**REQUEST FOR ALLOWANCE**

Claims 1-8 are pending in this application. The applicant request allowance of all pending claims.

Respectfully submitted,

Rutan & Tucker, LLP

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Dated: February 10, 2003

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MARKED UP COPY OF THE PENDING CLAIMS

1. (Amended) A utility knife tool comprising:
  - a) a handle with a handle distal portion, wherein the handle further comprises a hand operable arm structure that further comprises an arm distal portion having a second engagement element and wherein the arm structure and the handle are fabricated from the same piece of material;
  - b) a blade secured to and extending from said handle distal portion;
  - c) an integral, movable blade cover for enshrouding the blade when the tool is not in use and exposing the blade during use;
  - d) a blade-cover biasing member for urging the blade cover to a position covering the blade; and
  - e) a blade-cover locking system comprising a cover-lock member with a first engagement element and [hand-operable cover-release member with a] the arm structure having the second engagement element wherein the engagement elements are cooperatively engageable with each other whereby engagement of said elements with each other maintains the blade cover in a locked mode covering the blade and disengagement with each other releases the blade cover from said locked mode.
2. A utility knife as claimed in Claim 1 wherein the blade cover generally enshrouds the blade as a cap structure over said blade.
3. A utility knife as claimed in Claim 2 wherein the cap structure has a floor with a slot through which the blade is exposed.
4. A utility knife as claimed in Claim 3 wherein the cap structure is arcuately movable and arcuately shaped.

Feb-10-03 05:00pm From-RUTAN & TUCKER LLP,

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5. A utility knife as claimed in Claim 3 wherein the cap structure is substantially transparent.
6. (Amended) A utility knife as claimed in Claim 1, wherein the blade-cover biasing member is a [tension] spring.
7. A utility knife as claimed in Claim 1 wherein the cover-lock member is a wall of the blade cover and the first engagement element is a notch disposed in said wall, and wherein the hand-operable cover-release member is an outwardly biased arm structure disposed along the handle and the second engagement element is a distal end of the arm structure situated in the notch when the first and second engagement elements are engaged.
8. A utility knife as claimed in Claim 7 wherein the blade cover is generally arcuately movable and arcuately shaped and wherein the wall of the blade cover is an inside peripheral wall accessible by the arm structure through a rear opening into the blade cover.